



FILED

06-02-06
01:46 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Authority to Increase Revenue Requirements
to Recover the Costs to Deploy an Advanced
Metering Infrastructure. (U 39 E)

Application 05-06-028
(Filed June 16, 2005)

**ADMINISTRATIVE LAW JUDGE'S FURTHER RULING
ON CONFIDENTIAL EXHIBITS, TRANSCRIPTS AND BRIEFS**

In Application (A.) 05-06-028, Pacific Gas and Electric Company (PG&E) seeks authorization of its Advanced Metering Infrastructure (AMI) deployment proposal and associated cost recovery mechanisms. PG&E served initial prepared testimony on June 16, 2005, and later on various dates served supplemental, revised and rebuttal prepared testimony. Intervenor testimony was served on January 18, and rebuttal testimony on February 8, 2006. Opening briefs were filed on April 3, 2006 and replies on April 14, 2006.

PG&E proposed that certain information regarding the detailed terms of price and warrantee of AMI components were highly sensitive competitive data and that the vendors' business would be adversely affected if the precise terms of PG&E's contracts were public. PG&E is in fact an extremely large utility by any standard and disclosing the prices and warrantees appropriately negotiated in the present situation for its AMI deployment would likely be harmful to the vendors' ongoing business negotiations with other customers.

By a ruling dated August 1, 2005, Administrative Law Judge (ALJ) Cooke, then-assigned to this proceeding, determined that PG&E could file certain

information under seal for two years and that non-staff parties could execute a non-disclosure agreement to have access to the confidential materials.

Evidentiary hearings were held February 28 – March 16, 2006. There were 110 exhibits received into evidence. Twelve exhibits and portions of three transcripts were sealed at my direction, and portions of The Utility Reform Network's (TURN) opening brief and PG&E's reply brief were filed as confidential.¹

The Commission has no defined rules or standard practice on the duration of confidentiality of documents sealed by an ALJ ruling or filed with a party's motion for confidential treatment. Therefore, this ruling will determine the final disposition of confidentiality for all sealed exhibits, briefs and transcripts in this proceeding.

I find that all the previously marked confidential information should remain confidential now, but after some reasonable time to mitigate the competitive impact, the public's right to full disclosure requires releasing the data in the sealed exhibits, briefs and transcripts. The August 1, 2005 Ruling granted PG&E a two-year confidentiality period. However, based upon the passage of time to complete evidentiary hearings and briefing in the proceeding, I find that it is reasonable to reset the end of the confidentiality period to two years from the date of this ruling. PG&E may subsequently file a motion for an extension no later than ninety (90) days before the expiration of this Ruling

¹ PG&E offered exhibits 5-1WC, 8C, 11C, 11C-4E. The Division of Ratepayer Advocates offered exhibits 101C, 103C. TURN offered exhibits 201C, 201C-E, 213C, 214C, 215C, and 232C. Transcripts for portions of Volume 4, dated March 3, 2006, Volume 7, dated March 8, 2006, and Volume 8, dated March 9, 2006, were sealed by procedural rulings.

stating the justification for further withholding the information from public inspection.²

A unique feature of this proceeding was the Commission's first-ever live web-cast and subsequent archiving of the evidentiary hearings. Transcripts, in an audio-video form, excluded or permanently deleted the confidential sessions of the evidentiary hearings at my direction and therefore the confidential portions cannot be restored.

Therefore, **IT IS RULED** that:

1. The exhibits, briefs and transcripts listed above which were sealed in A. 05-06-028, shall remain sealed as confidential for two (2) years from the date of this ruling.

2. If PG&E believes that further protection of this information is needed after two years, it may file a motion stating the justification for further withholding the information from public inspection. Any motion for further confidentiality must be filed no later than ninety (90) days before the expiration of this Ruling.

Dated June 2, 2006, at San Francisco, California.

/s/ DOUGLAS M. LONG

Douglas M. Long
Administrative Law Judge

² This is an intentional change from the 30-day provision in ALJ Cooke's Ruling.

INFORMATION REGARDING SERVICE

Electronic mail addresses that I have provided notification of filing to are listed below.

DJRo@pge.com;
LColton@echelon.com;
Mmesseng@energy.state.ca.us;
SEB4@PGE.COM;
Service@spurr.org;
adf@cpuc.ca.gov;
agc@cpuc.ca.gov;
awp@cpuc.ca.gov;
barryeisenberg@comcast.net;
bill@jbsenergy.com.;
bruce.foster@sce.com;
case.admin@sce.com;
chris@emeter.com;
cjb@cpuc.ca.gov;
cmanzuk@semprautilities.com;
ctd@cpuc.ca.gov;
cyc@cpuc.ca.gov;
dmarcus2@sbcglobal.net;
dug@cpuc.ca.gov;
eaq@cpuc.ca.gov;
edwardoneill@dwt.com;
gabriellilaw@sbcglobal.net;
gig@cpuc.ca.gov;
janet.combs@sce.com;
jbradley@svlg.net;
jeff@jbsenergy.com;
jeffgray@dwt.com;
jf2@cpuc.ca.gov;
jharris@volkerlaw.com;
jmrb@pge.com;
jrcj@pge.com;
jweil@aglet.org;
kgolden@adamsbroadwell.com;
kmills@cfbf.com;
kpp@cpuc.ca.gov;
l_brown123@hotmail.com;
laura.rooke@pgn.com;
lawcpuccases@pge.com;
lisa_weinzimer@platts.com;
lmi@cpuc.ca.gov;
lrn3@pge.com;
marcel@turn.org;
mbe@cpuc.ca.gov;
mcv@cpuc.ca.gov;
mdjoseph@adamsbroadwell.com;
michaelboyd@sbcglobal.net;
mrw@mrwassoc.com;
nsuetake@turn.org;

pfa@cpuc.ca.gov;
pforkin@tejassec.com;
pthompson@summitblue.com;
puma@davis.com;
pxo2@pge.com;
rabbott@plexusresearch.com;
rschmidt@bartlewells.com;
rsk@cpuc.ca.gov;
sarveybob@aol.com;
saw0@pge.com;
scl@cpuc.ca.gov;
sdebroff@llgm.com;
shaunao@newsdata.com;
tdtamarkin@usclcorp.com;
tmr@cpuc.ca.gov;
tony.foster@itron.com;
u19@cpuc.ca.gov;

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document, which is current as of today's date, is attached.

Dated June 2, 2006, San Francisco, California.

/s/ ELVIRA NIZ

Elvira Niz

***** SERVICE LIST *****

**Last Update on 25-MAY-2006 by: CPL
A0506028 LIST**

***** APPEARANCES *****

Kevin Golden
Attorney At Law
ADAMS, BROADWELL, JOSEPH & CARDOZO
601 GATEWAY BLVD., SUITE 1000
SOUTH SAN FRANCISCO CA 94080
(650) 589-1660
kgolden@adamsbroadwell.com
For: CUE - Coalition of California Utility Employee

James Weil
AGLET CONSUMER ALLIANCE
PO BOX 37
COOL CA 95614
(530) 885-5252
jweil@aglet.org
For: Aglet Consumer Alliance

Paul Angelopulo
Legal Division
RM. 5031
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-4742
pfa@cpuc.ca.gov
For: ORA

Michael E. Boyd
President
CALIFORNIANS FOR RENEWABLE ENERGY, INC.
5439 SOQUEL DRIVE
SOQUEL CA 95073
(408) 891-9677
michaelboyd@sbcglobal.net
For: Californians for Renewable Energy, Inc.

Jeffrey P. Gray
Attorney At Law
DAVIS WRIGHT TREMAINE, LLP
ONE EMBARCADERO CENTER, SUITE 600
SAN FRANCISCO CA 94111
(415) 276-6581
jeffgray@dwt.com
For: South San Joaquin Irrigation District

Chris King
EMETER STRATEGIC CONSULTING
1 TWIN DOLPHIN DRIVE
REDWOOD CITY CA 94065
(650) 631-7230
chris@emeter.com
For: EMETER CORPORATION

William B. Marcus
JBS ENERGY, INC.
311 D STREET, SUITE A
WEST SACRAMENTO CA 95605
(916) 372-0534
bill@jbsenergy.com.
For: Yolo County and Cities of Davis, West Sacramento and
Woodland

Scott H. Debroff
Attorney At Law
LEBOEUF, LAMB, GREENE & MACRAE, LLP
200 NORTH THIRD STREET, SUITE 300
HARRISBURG PA 17108-2105
(717) 232-6453
sdebroff@llgm.com
For: Hunt Technologies, Inc.; Cellnet Technology, Inc.

J. Michael Reidenbach
Attorney At Law
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442, MAIL CODE B30A
SAN FRANCISCO CA 94120
(415) 973-2491
jmr@pge.com
For: Pacific Gas and Electric Company

Karen P. Paull
Legal Division
RM. 4300
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-2630
kpp@cpuc.ca.gov
For: ORA

Charles Manzuk
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK COURT, CP 32D
SAN DIEGO CA 92123
(858) 636-5548

Justin D. Bradley
SILICON VALLEY LEADERSHIP GROUP
224 AIRPORT PARKWAY, SUITE 620
SAN JOSE CA 95110
(408) 501-7864
jbradley@svlg.net

Michael Rochman
SPURR
1430 WILLOW PASS ROAD, SUITE 240
CONCORD CA 94520
(925) 743-1292
Service@spurr.org
For: School Project for Utility Rate Reduction

Nina Suetake
Attorney At Law
THE UTILITY REFORM NETWORK
711 VAN NESS AVE., STE 350
SAN FRANCISCO CA 94102
(415) 929-8876
nsuetake@turn.org

***** STATE EMPLOYEE *****

Christopher J. Blunt
Division of Ratepayer Advocates
RM. 4209
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1779
cjb@cpuc.ca.gov

Michael Messenger
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET
SACRAMENTO CA 95814
(916) 654-4774
Mmesseng@energy.state.ca.us
For: California Energy Commission

Andrew Campbell
Executive Division
RM. 5304
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-2501
agc@cpuc.ca.gov

Cherie Chan
Division of Ratepayer Advocates
RM. 4209
505 VAN NESS AVE

cmanzuk@semprautilities.com
For: San Diego Gas & Electric

Moises Chavez
Energy Division
AREA 4-A
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1851
mcv@cpuc.ca.gov

Christopher Danforth
Division of Ratepayer Advocates
RM. 4209
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1481
ctd@cpuc.ca.gov

Marshal B. Enderby
Division of Ratepayer Advocates
RM. 4205
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-2769
mbe@cpuc.ca.gov

Anthony Fest
Division of Ratepayer Advocates
RM. 4205
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-5790
adf@cpuc.ca.gov

Julie A. Fitch
Executive Division
RM. 5203
505 VAN NESS AVE
San Francisco CA 94102
(415) 355-5552
jf2@cpuc.ca.gov

Theodore H Geilen
Division of Ratepayer Advocates
RM. 4209
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1235
u19@cpuc.ca.gov

Louis M. Irwin
Division of Ratepayer Advocates
RM. 4209
505 VAN NESS AVE
San Francisco CA 94102

San Francisco CA 94102
(415) 703-1546
cyc@cpuc.ca.gov

Rami Kahlon
Executive Division
RM. 5215
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1175
rsk@cpuc.ca.gov

Robert Kinoshian
Division of Ratepayer Advocates
RM. 4205
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1500
gig@cpuc.ca.gov

Scarlett Liang-Uejio
Division of Ratepayer Advocates
RM. 4209
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-2043
scl@cpuc.ca.gov

Douglas M. Long
Administrative Law Judge Division
RM. 5023
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-3200
dug@cpuc.ca.gov

Ralph E. Abbott
PLEXUS RESEARCH, INC.
629 MASSACHUSETTS AVE
BOXBOROUGH MA 01719-1528
(978) 263-6080
rabbott@plexusresearch.com
For: PLEXUS RESEARCH, INC.

Anne W. Premo
Energy Division
770 L STREET, SUITE 1050
Sacramento CA 95814
(916) 324-8683
awp@cpuc.ca.gov

Edgar A. Quiroz
Division of Ratepayer Advocates
RM. 4209
505 VAN NESS AVE

(415) 703-1225
lmi@cpuc.ca.gov

Thomas M. Renaghan
Division of Ratepayer Advocates
RM. 4205
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-2107
tmr@cpuc.ca.gov

***** INFORMATION ONLY *****

Marc D. Joseph
Attorney At Law
ADAMS, BROADWELL, JOSEPH & CARDOZO
601 GATEWAY BLVD., STE. 1000
SOUTH SAN FRANCISCO CA 94080
(650) 589-1660
mdjoseph@adamsbroadwell.com

Reed V. Schmidt
BARTLE WELLS ASSOCIATES
1889 ALCATRAZ AVENUE
BERKELEY CA 94703-2714
(510) 653-3399
rschmidt@bartlewells.com

CALIFORNIA ENERGY MARKETS
517-B POTRERO AVENUE
SAN FRANCISCO CA 94110-1431
(415) 552-1764
shaunao@newsdata.com

Karen Norene Mills
Attorney At Law
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO CA 95833
(916) 561-5655
kmills@cbbf.com
For: CALIFORNIA FARM BUREAU FEDERATION

Lynne Brown
CALIFORNIANS FOR RENEWABLE ENERGY, INC.
24 HARBOR ROAD
SAN FRANCISCO CA 94124
(415) 285-4628
l_brown123@hotmail.com

Robert Sarvey
Treasurer Care
CALIFORNIANS FOR RENEWABLE ENERGY, INC.

San Francisco CA 94102
(415) 703-2376
eaq@cpuc.ca.gov

Edward W. O'Neill
Attorney At Law
DAVIS WRIGHT TREMAINE LLP
ONE EMBARCADERO CENTER, SUITE 600
SAN FRANCISCO CA 94111-3834
(415) 276-6582
edwardoneill@dwtt.com

Larry Colton
ECHELON CORPORATION
550 MERIDIAN AVE.
SAN JOSE CA 95126
(408) 790-3142
LColton@echelon.com

Barry Eisenberg
1032 IRVING STREET, NO. 257
SAN FRANCISCO CA 94122
barryeisenberg@comcast.net

John C. Gabrielli
GABRIELLI LAW OFFICE
430 D STREET
DAVIS CA 95616
(530) 753-0869
gabriellilaw@sbcglobal.net

Tony Foster
ITRON INC.
1111 BROADWAY, STE 1800
OAKLAND CA 94607
(510) 844-2822
tony.foster@itron.com

Jeff Nahigian
GAYATRI SCHILLBERG
JBS ENERGY, INC.
311 D STREET
WEST SACRAMENTO CA 95605
(916) 372-0534
jeff@jbsenergy.com

Joshua A.H. Harris
LAW OFFICES OF STEPHAN C. VOLKER
436 14TH STREET, SUITE 1300
OAKLAND CA 94612
(510) 496-0600
jharris@volkerlaw.com

501 W. GRANTLINE RD
TRACY CA 95376
(209) 835-7162
sarveybob@aol.com

MRW & ASSOCIATES, INC.
1999 HARRISON STREET, SUITE 1440
OAKLAND CA 94612
(510) 834-1999
mrw@mrwassoc.com

PACIFIC GAS AND ELECTRIC COMPANY
LAW DEPARTMENT FILE ROOM
PO BOX 7442
SAN FRANCISCO CA 94120-7442
lawcpuccases@pge.com

David Rochefort
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET MC B8R
SAN FRANCISCO CA 94105
(415) 973-9215
DJRo@pge.com

Jana Corey
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000
SAN FRANCISCO CA 94105
jrcj@pge.com

Larry Nixon
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B8R
SAN FRANCISCO CA 94105
(415) 973-5450
lrn3@pge.com

Peter Ouborg
Attorney At Law
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442 MAIL CODE B30A
SAN FRANCISCO CA 94120
(415) 973-2286
pxo2@pge.com

Shirley Woo
Attorney At Law
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO CA 94120
(415) 973-2248
saw0@pge.com

David Marcus
PO BOX 1287
BERKELEY CA 94701
(510) 528-0728
dmarcus2@sbcglobal.net

Susan Dowling
PACIFIC GAS AND ELECTRIC COMPANY
MC B10A
77 BEALE STREET
SAN FRANCISCO CA 94105
SEB4@PGE.COM

Lisa Weinzimmer
California Energy Reporter
PLATTS
695 NINTH AVENUE, NO. 2
SAN FRANCISCO CA 94118
(415) 387-1025
lisa_weinzimer@platts.com

Laura Rooke
Sr. Project Manager
PORTLAND GENERAL ELECTRIC
121 SW SALMON ST.,
PORTLAND OR 97204
(503) 464-7017
laura.rooke@pgn.com
For: PORTLAND GENERAL ELECTRIC

Shawn Smallwood, Ph.D.
109 LUZ PLACE
DAVIS CA 95616
(530) 756-4598
puma@davis.com

Bruce Foster
Vice President
SOUTHERN CALIFORNIA EDISON COMPANY
601 VAN NESS AVENUE, STE. 2040
SAN FRANCISCO CA 94102
(415) 775-1856
bruce.foster@sce.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD CA 91770
(626) 302-4875
case.admin@sce.com
For: SOUTHERN CALIFORNIA COMPANY

Janet Combs

Patricia Thompson
SUMMIT BLUE CONSULTING
1766 LACASSIE AVE. STE 103
WALNUT CREEK CA 94596
(925) 935-0270
pthompson@summitblue.com

Patrick J. Forkin Iii
TEJAS SECURITIES
7700 BONHOMME AVE. STE 575
CLAYTON MO 63105
(314) 862-2437
pforkin@tejassec.com
For: TEJAS SECURITIES

Marcel Hawiger
Attorney At Law
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO CA 94102
(415) 929-8876
marcel@turn.org

Tom D. Tamarkin
UTILITIES SERVICES CUSTOMER LINK
2737 EASTERN AVENUE
SACRAMENTO CA 95821
(916) 482-2000
tdtamarkin@usclcorp.com

A.05-06-028 DUG/niz

Attorney At Law
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD CA 91770
(626) 302-1524
janet.combs@sce.com
For: SOUTHERN CALIFORNIA EDISON COMPANY